

E-FILED on 12/14/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re PALM TREO 600 and 650 LITIGATION

Master File No. C-05-03774 RMW

This Document Relates To:

ORDER REQUESTING COMMENT ON
OBJECTION BY RICHARD GANS

GANS, C-05-03776

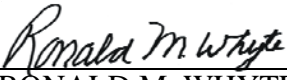
[Re Docket No. 50]

On December 14, 2007, the court held a hearing on the parties' "Unopposed Motion for Preliminary Approval of Class Settlement, Certificate of the Settlement Class, Appointing Settlement Class Counsel, Setting a Hearing on Final Approval of the Settlement, and Directing Notice to the Class." The court expressed several concerns with the papers submitted but tentatively approved the settlement as fair, adequate and reasonable, subject to the parties addressing its concerns.

Hours after the hearing, the court received a notice from the named plaintiff in the lead case in this consolidated action, Richard Gans. Mr. Gans, apparently filing *pro se*, stated that he has not approved the proposed class settlement and does not believe the settlement is fair, reasonable, or adequate. The court observes that although counsel that filed *Gans v. PALMONE*, Civil Action No. 05-cv-03774-RMW, Jonathan Shub of Sheller, Ludwig & Badey, P.C., is a signatory to the Settlement Agreement and Release between plaintiffs and Palm, Inc., Mr. Gans is not.

1 The court would like the parties to explain to the court why Mr. Gans is not a signatory to the
2 Settlement Agreement, why he is not one of the seven lead plaintiffs for the proposed class, and
3 what impact his objection has on the preliminary approval of the settlement and conditional
4 certification of the class. Counsel should submit comment by Friday, December 21, 2007. Because
5 the court does not have contact information for Mr. Gans, this notice should be provided to him by
6 Mr. Shub by Tuesday, December 18, 2007.

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9 DATED: 12/14/07


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

Notice of this document has been electronically sent to:

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Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.

Dated: 12/14/07

/s/ MAG
Chambers of Judge Whyte